

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 10/791,270 Confirmation No. : 8940
First Named Inventor : Masaaki NOMURA
Filed : March 3, 2004
TC/A.U. : 1618
Examiner : Hasan Sayed AHMED

Docket No. : 100598.53322US
Customer No. : 23911

Title : Pharmaceutical Hard Capsule Containing Inorganic
Substance

Response to Restriction Requirement

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Office Action mailed June 23, 2008, Applicants elect species II (b) - penem antibiotic species of **Claim 17** - for further prosecution in this matter. Claims 1-14 and 16-23 are believed to read on the elected species. An early action on the merits of all the claims is earnestly solicited.

An extension of the deadline for response to the Office Action is respectfully requested pursuant to 37 C.F.R. § 1.136(a) and the appropriate fee is submitted herewith. Please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket # 100598.53322US).

August 12, 2008
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Respectfully submitted,

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